

**STATE OF NEW MEXICO  
WATER QUALITY CONTROL COMMISSION**

**In the matter of:**

**PETITION FOR REQUEST FOR VARIANCE  
FROM REGULATIONS 20.6.6 NMAC,  
IRONHORSE PERMIAN BASIN, LLC  
FORMER LAKESIDE DAIRY DP-796**

**No. WQCC 20-72(V)**

**JOINT MOTION TO REQUEST HEARING SCHEDULING  
AND WAIVER OF 90-DAY HEARING DEADLINE**

Come now the New Mexico Environment Department (“NMED”) and Ironhorse Permian Basin, LLC (“Petitioner”) (collectively “the Parties”), and hereby request that the New Mexico Water Quality Control Commission (“Commission”) schedule a hearing in this matter pursuant to 20.1.3.18(C) NMAC. Further Petitioner agrees to waive the 90-day deadline in which to hold a hearing pursuant to 20.1.3.18(C)(1) NMAC. As grounds for this motion, the Parties state as follows:

1. Ironhorse filed its Petition for Request for Variance from Regulations 20.6.6 NMAC, Ironhorse Permian Basin, LLC, DP-796 (“Petition”) on October 16, 2020.
2. NMED received the Petition on October 23, 2020, via electronic mail. NMED Response to Variance Petition p. 1.
3. NMED filed a Response to Variance Petition on December 22, 2020 (“Response”), indicating its support for granting a variance in this matter.
4. Pursuant to 20.1.3.18(B) NMAC, the Commission must hold a public hearing in this matter to consider the Petition since NMED recommended granting the variance.

5. Pursuant to 20.1.3.18(C)(1) NMAC, the hearing in this matter shall be held within 90 days of NMED's filing of its Response in support of the Petition unless a joint or unopposed motion waiving that deadline is filed prior to the deadline. That date is Monday, March 22, 2021.
6. Pursuant to the Commission's Open Meetings Act Resolution 2020-02, as corrected on June 3, 2020, the Commission usually meets on the second Tuesday of each month and may not meet during the Legislative session.
7. The first session of the 55<sup>th</sup> New Mexico Legislature ("legislative session") is scheduled to begin on Tuesday, January 19, 2021; and it is scheduled to end on Saturday, March 20, 2021. New Mexico Legislature Session Dates (Jan. 4, 2021), [https://nmlegis.gov/Publications/Session\\_Dates.pdf](https://nmlegis.gov/Publications/Session_Dates.pdf).
8. The second Tuesday of March 2021 is March 9, 2021.
9. It is unlikely that the Commission will choose to meet during the month of March 2021 because the legislative session will not have concluded on March 9<sup>th</sup> and the Commission's statements regarding meeting during the legislative session.
10. Thus, while it is possible to hold a hearing in this matter prior to the expiration of the mandated 90-day window, it will be impractical to schedule a hearing for March 2021.

WHEREFORE, the Parties respectfully request that the Commission schedule the required hearing in this matter for its regularly scheduled meeting in June 2021 in order to allow the Parties and the Commission to adequately prepare for the hearing without interference from the legislative session.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of this Joint Motion to Request Hearing Scheduling and Waiver of 90-day Hearing Deadline was served on the following parties of record on January 5, 2021, by electronic mail due to administrative restrictions related to the ongoing public health emergency. Petitioner has agreed to service by electronic mail.

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